

Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

NOTES AND COMMENTS.

LYNCH EPIDEMICS.

A FEW years ago a French writer surprised his readers with the assertion that in Southern Florida hundreds of persons were annually prostrated by the effects of frost, and quoted statistics that complicated the puzzle, till it became evident that he had classed "chills and fevers" with chilblains.

With a similar rashness of generalization several foreign reviews have formulated an indictment against the penal code of the United States by confounding the stern vendettas of Judge Lynch with the wanton outrages of the Whitecap ruffians.

Both the successors of the vehmic courts and the masked man-hunters, it is true, assemble their surprise parties under cover of darkness, but while the former direct their indictments against criminals who contrive to defy the ordinary methods of justice, the latter generally select victims who are unable to resent the excesses of injustice.

And only the former, and by far rarer, form of interference with the functions of the legal tribunals can fairly be ascribed to a deficit of legislative safeguards. One of these defects is the lack of constitutional restrictions upon the abuse of the pardoning power. Only half a year ago a Kentucky editor published a list of twenty-seven criminals liberated from the Frankfort State Prison by a gubernatorial ukase in half as many weeks; then, commenting upon one specially grievous case, he described the indignation of law abiding citizens: "Half a hundred of our neighbors have deprived themselves of rest and sleep, have patrolled the mountain roads in rain and sleet-storms to purge this county from its stigma of lawlessness; then, after taking the outlaw red-handed, have risked their own lives to protect him from the vengeance of an infuriated mob. They are now informed that he has been turned loose to re-establish his claim to the distinction of a habitual offender, and to execute his threats of vengeance upon his captors. They may refrain from unavailing protests, but they will naturally conclude that if laws have to be broken they had better be broken at the expense of law-breakers."

Upon what slender claims to executive clemency petitions for pardon were repeatedly endorsed may be inferred from the fact that last New Year eighty-six Frankfort jailbirds signed a formal request to be let loose *en masse*, on the ground that they sympathized with the Cuban patriots, and if furnished arms and free transportation would vent their righteous wrath upon the minions of Captain-General Weyler.

Another fertile cause of mistrust in the competence of the established judicial institutions is the lack of available checks upon an abuse of the

"challenging privilege." Under the present system any chicaning pettifogger can "pack a jury with idiots," as a Georgia magistrate expressed it, "by excluding all whose superior intelligence or means of information has enabled them to form an opinion upon the facts of the case." Impartiality is, of course, the soul and mainstay of the jury system, but the trouble is that under extant arrangements there is no way to discriminate between the prejudice of exceptional malice and the bias of exceptional intelligence. "If the formation of a previous judgment precludes the fairness of the ultimate verdict," says Prof. W. Harrington, "how many newspaper-reading judges could be admitted to the bench?"

In altogether primitive communities, like those of the California mining camps in '49, lynch law frequently becomes the only alternative of anarchy, and as such may be endorsed by the connivance, if not the outspoken approbation, of the best citizens.

The Whitecap miscreants have no such claim to public sympathy. They are not a product of the wilderness, but an excrescence of over-crowded communities, afflicted with an excess of blue laws and a dearth of legitimate pastimes, of farming districts where game and fish have become scarce, and travelling shows are seen only at long intervals.

Between Kansas and the Atlantic there are thousands of townships that have been decimated by the exodus of young men who preferred the deserts of the great central plains or the wilderness of a great city to the intolerable tedium of a treadmill existence—work relieved only by rest sufficient for another day's work. Thousands of others have avoided depopulation by utilizing the failure of such refugees, and persuading their malcontents to make the best of their home chances. Spanish rustics gamble or smoke under such circumstances, gypsies strum their guitars, lazaroni go to sleep. But our Whitecappers illustrate the truth of Charles Dickens' remark that "there is a passion for hunting something deeply implanted in the human breast," and after the extinction of coons and rabbits, have taken to hounding their non-conventional neighbors. Biologically considered, their expedient may be defined as a hybrid between the meddling instinct and the bugbear mania of our Darwinian ancestors. At sight of an unfamiliar object—a surveyor's flag or an open umbrella, a troop of Abyssinian baboons may be seen ranting and gesticulating, evidently anxious to work up a sensation at somebody's expense. The females snatch up their pot-bellied bantlings and hug them in a paroxysm of well-feigned alarm; their marriageable daughters exchange mysterious winks, and the old males slam down their fists with more and more menacing growls. Every flutter of the suspected object fans the fire of the smouldering excitement, till the whole troop huddle together to discuss *sotto voce* suggestions for the enforcement of the moral standard.

One fancies to hear an echo of such whispers in the consultations of our rural sensation-mongers. "What! that lady in Hobson's cottage sleeps with her windows wide open? Tries to catch her death of cold, probably, so they have to send her to the county hospital, and feed her on the taxes they squeeze out of working people—or wants to accommodate some visitor that is afraid to show up in daytime. And those Mormon missionaries in that camp near Wyer's Cave! Shouldn't wonder if they do not hide their squaws underground, and roast their babies when you see that fire and smoke in night time. They were seen talking to Mrs. F.; her husband had better watch out. And they steal, too, it seems; one of them was wearing

a new overcoat that has never been seen in their camp before. Or if he did buy it, it was only to brag about the good times in that Turkish Sultan country of theirs! Bought it because the weather is getting cold? That story won't work at this time of the year; let's go and warm things up for them, anyhow."

Often, too, their victims expiate the sins of other ancestors, of middle maniacs of the Hudibras type, who surrounded the actions and words of their neighbors with a network of by-laws that have since become dead-letter statutes from the standpoint of rational magistrates, but are still preposterously alive in the skulls of amateur regulators. For many years after the Spanish Cortes had abolished the witchcraft laws, Spanish mountaineers still joined the search gangs of the *matabruxos* or "hag killers," and the declaration of metaphysical freedom and equality has benefited only the most progressive communities of our model republic; the streets of Reactionville still resound with the whoops of the heretic hunter.

The impeachments which our midnight reformers have made pretexts of murderous assaults include charges of profanity, financial extravagance, sabbath-breaking, premature marriages, non-conventional dress ("bloomers," etc.), agnosticism, unsocial habits, disregard of warnings—contempt of court, as it were—and even failure to patronize local markets and industries. In the Western Alleghanies a gang of masked hoodlums smashed the scant household furniture of a crippled cobbler who had been caught reading Darwin on Sunday, and ordered a censor out of his house; and a Texas physician, first bullied in his office and then trying to leave town, was attacked at the depot by a cowhide brigade and beaten out of human shape for having refused to join the "Law and Order" league.

It would be absurd to say that such outrages supplement the shortcomings of our penal code; they ape the overzeal of the dark ages, and often make even the fanaticism of intolerance a cloak of much baser propensities —envy, destructiveness, and the instinctive hatred of superior intelligence.

Like ghouls masquerading in the garb of Friar Benedict, these night prowlers defy ordinary methods of self-protection, and can be exorcised only by the removal of the cause. Bushwhacker moralists who would baffle Mr. Caldwell's "counter regulators" by superior topographical knowledge might be effectually abolished by the establishment of village gymnasiums and Free Holiday leagues.

F. L. OSWALD.

THE STORING OF ATMOSPHERIC ELECTRICITY.

IT is a scientific fact that the atmosphere contains more or less electricity at all times. Over a century ago Benjamin Franklin gave a practical demonstration of this truth by drawing a current of electricity from the upper atmosphere through a kite. Other experiments of a similar nature resulted in the death of several experimenters, they having unwisely lost sight of the fact that it was necessary to have some protection in the shape of insulation in case of an overcharge.

These experiments have proved beyond doubt that electricity may be drawn from the atmosphere by simple means, all of which have been long understood and are quite natural; moreover, we know that it is easier to obtain this current under some atmospheric conditions than others. Dry air is a non-conductor and moist air a good conductor of this valuable invis-